

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a Delaware corporation,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 16-cv-1054 (WMW/DTS)
v.	)	
	)	
FEDERAL INSURANCE COMPANY, an Indiana corporation,	)	<b>Jury Trial Demanded</b>
	)	
	)	
Defendant.	)	
	)	

**SECOND JOINT MOTION TO AMEND PRETRIAL SCHEDULING ORDER**

Plaintiff Fair Isaac Corporation (“FICO”) and Defendant Federal Insurance Company (“Federal”) hereby jointly move the Court, pursuant to Fed. R. Civ. P. 16(b)(4) and D. Minn. L.R. 16.3, for an Order extending the deadlines set forth in the Court’s Pretrial Scheduling Order (Dkt. No. 99) entered on February 20, 2018. Good cause exists to grant the present Motion, which will permit the parties to complete the fact discovery process.

Fact discovery is currently pending and is set to close June 29, 2018. The parties have substantially completed written discovery, but document discovery is not completed and no depositions have been taken.

The Court ruled on the parties’ cross-motions to compel on February 16, 2018. (Dkt. No. 96.) Defendant Federal appealed that ruling on February 28, and the District Court affirmed the ruling on April 24. (Dkt. Nos. 102 and 108.) Since that date, the parties have been working together to complete written and document discovery. One deposition has been noticed, and in anticipation of the completion of document discovery, the parties are working together to schedule other depositions. These depositions cannot be scheduled or taken until after discovery closes on June 29.

ACCORDINGLY, the parties hereby move, by and through their undersigned counsel, for an amendment to the Pretrial Scheduling Order, as set forth below:

1. Fact Discovery

- a. Fact discovery shall be commenced in time to be completed on or before October 31, 2018.

2. Expert Discovery

- a. Disclosure of the identity of expert witnesses under Fed. R. Civ. P. 26(a)(2)(A) and the full disclosures required by Fed. R. Civ. P. 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

- i. Plaintiff

1. Identification by Plaintiff on or before November 30, 2018.
    2. Report by Plaintiff on or before November 30, 2018.
    3. Rebuttal witness and reports shall be disclosed on or before December 31, 2018.
    4. Reply reports shall be served on or before January 18, 2019.

- ii. Defendant

1. Identification by Defendant on or before November 30, 2018.
    2. Report by Defendant on or before November 30, 2018.
    3. Rebuttal witness and reports shall be disclosed on or before December 31, 2018.
    4. Reply reports shall be served on or before January 18, 2019.

- b. All expert discovery, including depositions, must be completed by February 15, 2019.

3. Non-Dispositive Motions

- a. All non-dispositive motions relating to fact discovery must be filed and served by October 31, 2018.
  - b. All non-dispositive motions relating to expert discovery shall be filed and served on or before February 15, 2019.
4. Dispositive Motions
  - a. All dispositive motions shall be filed, served and scheduled by April 12, 2019.
5. Trial
  - a. This case shall be ready for a Jury trial as of August 12, 2019. The parties estimate that trial of this Jury matter will take 10 days.

Dated: June 13, 2018

Respectfully submitted,

MERCHANT & GOULD P.C.

/s/ Heather Kliebenstein

Allen Hinderaker, MN Bar # 45787  
Heather Kliebenstein, MN Bar # 337419  
Michael A. Erbele, MN Bar # 393635  
MERCHANT & GOULD P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2215  
Tel: (612) 332-5300  
Fax: (612) 332-9081  
ahinderaker@merchantgould.com  
hkliebenstein@merchantgould.com  
merbele@merchantgould.com

*Attorneys for Plaintiff Fair Isaac  
Corporation*

/s/ Terrence J. Fleming

Terrence J. Fleming (#0128983)  
tfleming@fredlaw.com  
Lora M. Friedemann (#0259615)  
lfriedemann@fredlaw.com  
Leah Janus (#0337365)  
ljanus@fredlaw.com  
Christopher D. Pham (#0390165)  
cpham@fredlaw.com

FREDRIKSON & BYRON, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
(612) 492-7000 (tel)  
(612) 492-7077 (fax)

*Attorneys for Federal Insurance Company*